IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8142 of 2004

Between:

K. Venkatesh Babu, S/o. Late K. Krishna Murthy Setty,
H.NO. 25-204A, Srinivasa Nagar, Nandyal, Kurnool District.

..... PETITIONER

AND

1 The Dy. Superintendent of Police, Nandyal Sub Division, Nandyal, Kurnool District.
2 The Circle Inspector of Police, I Town Police, Station, Nandyal, Kurnool District.
3 The Circle Inspector, Taluk Police Station, Nandyal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction or particularly one in the nature of writ of mandamus, declaring the action of the respondents police in unlawfully and illegal interfering with the affairs of petitioners Boats Club by causing physical harm to the petitioner by beating him black and blue without any justifiable cause and without any authority of law thereby infringing the fundamental rights of freedom and liberty and right to carry on any occupation trade of business, as illegal, discriminative, violative of Article 14,19 (1) (g) ,21 and 300 A of constitution of India and consequently direct the respondents police not to harass the petitioner and interfere with the lawful affairs of the petitioners Boats Club.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 8142 of 2004

ORDER:

Petitioner claims that Nandyal Municipality permitted the petitioner to start a Boats Club in Chinna Cheruvu Water Tank situated towards Mahanandi Road by developing park, water falls and lighting surrounding the park and tank area with his own cost and accordingly, he developed the park by incurring an expenditure of Rs.5,00,000/- which has now become a central attraction of tourism and recreation place for entire people of Nandyal Town and surrounding areas.

Petitioner also made a request to the respondent police officials to set up a permanent police beat at the above place. In the year 1999, as there was no response, he made a representation to the District Collector who in-turn through his proceedings Rc.C1/1583/M/99, dated 04-08-1999, directed the Superintendent of Police to arrange necessary police beat at Boats Club at Chinna Cheruvu. At the instance of some people who are jealous of petitioner's developing the Boats Club and getting some income out of his efforts, influenced the police and are creating problems to the petitioner in running the Boats Club. Therefore, he filed a private complaint before the Judicial First Class Magistrate, Nampalli in C.C.No.271 of 1999, which was, dismissed for want of sanction by the State Government as it was filed against the police officials.

While so, on 14-04-2004, respondent Nos.1, 2 and Traffic Sub Inspector of police of Nandyal Town along with constables, visited the Club and park and created havoc, without any justifiable reason and when petitioner objected for the same, they beat him black and blue by saying that if he says one word more, they will encounter him and they also threatened the visitors, which is arbitrary and illegal.

In response to the Rule Nisi, Inspector of Police-3rd respondent filed counter on behalf of the respondents, stating that as directed by the District

Collector in 1999, necessary police beat has been posted at the said place to prevent any problems being created by the miscreants. It is denied that the 1st and 2nd respondents who have created a panic in the petitioner's boat club by beating the visitors there, using un-parliamentary language and beating the petitioner when he interfered. It is further stated that the visitors who are visiting the Boats Club, are parking their vehicles on the public road at Boat Club entrance, obstructing the flow of traffic on the road leading from Tri-road junction of Nandyal-Mahanandi-Atmakur towards Atmakur. In view of the same, police have been advising the visitors of the petitioner's boats club for not parking their vehicles on the public road at the said place in concerted manner, causing obstruction to the flow of traffic at the said plan. Opposing the said regulation of traffic by the police, the petitioner filed the present writ petition against the police making false allegations.

Having regard to the fact that the police are under an obligation to maintain law and order problem and ensures free flow of traffic on the roads, which cannot be used by the visitors of the park by parking their vehicles, they are entitled to restrict the parking on the said road in front of the park. Except that the respondents shall not interfere with the activities of the park as long as there is no law and order problem arises within the park area.

Accordingly, the writ petition is disposed of.

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KVR 16th July, 2004

To

1 The Dy. Superintendent of Police, Nandyal Sub Division, Nandyal, Kurnool District.
2 The Circle Inspector of Police, I Town Police, Station, Nandyal, Kurnool District.
3 The Circle Inspector, Taluk Police Station, Nandyal, Kurnool District.

4. Two C.Cs. to G.P. for Home, High Court Buildings, High Court of A.P., Hyderabad (OUT)

5. Two C.D. Copies.